

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

Jabbar J. Straws,

Plaintiff,

v.

Sergeant Roach; Bruce Oberman; Nurse
Pract; Doctor Pate; Nurse Practitioner
Susan Blake; Nurse Boyd; Nurse Singlee;
Nurse Johnson; C. James; D. Patterson,

Defendants.

C/A No. 5:11-132-TMC-KDW

ORDER

Plaintiff, Jabbar J. Straws ("Plaintiff"), a state prisoner proceeding *pro se* and *in forma pauperis* brings this action pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(d), D.S.C., all pre-trial proceedings were referred to a Magistrate Judge. On July 13, 2012, Magistrate Judge Kaymani D. West issued a Report and Recommendation ("Report") recommending that the Motions for Summary Judgment filed by Defendants Roach, Oberman, Pract, James, Patterson, Pate, and Boyd (Dkt # 58, 76 and 85) be granted and that the Plaintiff's claims against these named Defendants be dismissed. (Dkt. # 100). The Magistrate Judge provided Plaintiff a notice advising him of his right to file objections to the Report. (Dkt. # 100-1). Plaintiff filed objections to the Magistrate Judge's Report on August 1, 2012. (Dkt. # 105).

The Magistrate Judge makes only a recommendation to the court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The court is obligated to conduct a de novo review of every portion of the Magistrate

Judge's report to which objections have been filed. *Id.* However, the court need not conduct a de novo review when a party makes only "general and conclusory objections that do not direct the court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). In the absence of a timely filed, specific objection, the Magistrate Judge's conclusions are reviewed only for clear error. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

The Magistrate Judge recommended that the Motions for Summary filed by the Defendants as set forth above be granted and that Plaintiff's case against these Defendants be dismissed because the Plaintiff failed to establish a viable claim of deliberate medical indifference. As noted above, Plaintiff filed objections to the Report which the Court has carefully reviewed. However, Plaintiff attempts to object to the Magistrate Judge's entire Report, without directing the court to any specific errors made by the Magistrate Judge. Because Plaintiff failed to file specific objections, the court reviews the Report only for clear error, and finds none.

After a thorough review of the Report and the record, the court adopts the Report and incorporates it herein. It is therefore **ORDERED** that the Motions for Summary Judgment filed by Defendants Roach, Oberman, Pract, James, Patterson, Pate, and Boyd (Dkt. # 58, 76, and 85) are **GRANTED** and that Plaintiff's claims against these Defendants are **DISMISSED**.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

August 1, 2012
Greenville, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.